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August 17, 2007

BY FACSIMILE (212) 805-0426

Honorable Laura Taylor Swain
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 755
New York, NY 10007

MEMO ENDORSED

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing or otherwise delivering promptly a copy to all counsel and unrepresented parties and filing a certificate of such service within 5 days from the date hereof. Do not fax such certification to Chambers.

Re: GMA Accessories, Inc. v. Bop LLC, et al.
Case No. 07 CV 3219 (LTS)(DCF)

Dear Judge Swain:

We represent defendant Bop LLC ("Bop") in the above-captioned matter. We write to request a pre-motion conference to request a protective order pursuant to Rule 26(c) directed at plaintiff's Rule 30(b)(6) deposition notice (attached hereto), which is returnable at plaintiff's offices in New York City on Wednesday, August 22. In the alternative, Bop requests that the deposition be adjourned *sine die* pending discussion of the issue at the scheduled conference with Your Honor on Thursday, August 23.

granted

Bop's anticipated motion for a protective order will be based primarily on the fact that the deposition notice is returnable in New York, while Bop is located in Wisconsin (and its parent Amazon.com, Inc. is located in Seattle, Washington). Accordingly, Bop will request an order that the deposition be held in Wisconsin and/or Washington. In addition, Bop believes that the deposition notice does not sufficiently identify the topics of deposition testimony sought to allow Bop to designate the appropriate individuals for testimony. (This is so whether or not plaintiff's letter of August 15 - in which plaintiff attempts to "amend" the deposition notice to omit the sentence which calls for testimony "with respect to all matters contained in the amended

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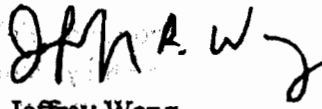
August 17, 2007

complaint" – is a valid amendment to the 30(b)(6) notice.) Regardless, Bop fully expects that any individual(s) it identifies will be located in either Wisconsin or Washington.

Bop has informed plaintiff of its objections to the deposition notice, and has used its best efforts to resolve the matter in controversy informally, both by phone and in writing. Despite due inquiry by Bop, plaintiff has not informed Bop whether it will agree to adjourn the deposition pending the Court conference on August 23.

Accordingly, Bop requests that the Court schedule a pre-motion conference to address Bop's request to make a motion for a protective order; in the alternative, Bop requests that the deposition be adjourned *sine die* pending discussion of the issue at the scheduled conference with Your Honor on Thursday, August 23.

Respectfully,




Jeffrey Wang

Attachment

cc: Andrew Sweeney, Esq. (by facsimile)
(counsel for plaintiff GMA Accessories, Inc.)
Robert Carrillo, Esq. (by facsimile)
(counsel for defendant Eminent Inc.)

The deposition notice is
adjourned pending further
order of the court. The
discovery dispute will
be discussed at the
conference on 8/23/07.

SO ORDERED.


8/20/2007
LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE